

# SENATE BILL 72

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2lr1009  
CF HB 68

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By: **Senator Kelley**

Introduced and read first time: January 16, 2012

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Medical and Dental Treatment – ~~Youth – Registered Nurses and Physician~~**  
3 **~~Assistants~~ Consent by Minors and Protections for Licensed Health Care**  
4 **Practitioners**

5 FOR the purpose of providing that a minor has the same capacity as an adult to  
6 consent to ~~medical~~ dental treatment if ~~a registered nurse or physician assistant~~  
7 ~~makes a certain determination~~ the minor is married or is the parent of a child;  
8 providing that a minor has the same capacity as an adult to consent to medical  
9 or dental treatment if the minor is living separate and apart from the minor's  
10 parent, parents, or guardian and is self-supporting; providing that a registered  
11 nurse, physician assistant, or an individual under the direction of a registered  
12 nurse or physician assistant licensed health care practitioner who treats a  
13 minor is not liable for civil damages or subject to certain penalties under certain  
14 circumstances; authorizing a registered nurse or physician assistant licensed  
15 health care practitioner to give certain information to certain individuals;  
16 ~~authorizing a registered nurse or physician assistant to advise or direct certain~~  
17 ~~medical staff to give certain information to certain individuals;~~ and generally  
18 relating to medical or dental treatment of minors.

19 BY repealing and reenacting, with amendments,  
20 Article – Health – General  
21 Section 20–102(a), (e), and (f)  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2011 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 20–102.

5 (a) A minor has the same capacity as an adult to consent to medical OR  
6 DENTAL treatment if the minor:

7 (1) Is married; ~~or~~

8 (2) Is the parent of a child; OR

9 **(3) (I) IS LIVING SEPARATE AND APART FROM THE MINOR’S**  
10 **PARENT, PARENTS, OR GUARDIAN, WHETHER WITH OR WITHOUT CONSENT OF**  
11 **THE MINOR’S PARENT, PARENTS, OR GUARDIAN; AND**

12 **(II) IS SELF-SUPPORTING, REGARDLESS OF THE SOURCE OF**  
13 **THE MINOR’S INCOME.**

14 ~~(b) A minor has the same capacity as an adult to consent to medical~~  
15 ~~treatment if, in the judgment of the attending physician, **REGISTERED NURSE, OR**~~  
16 ~~**PHYSICIAN ASSISTANT**, the life or health of the minor would be affected adversely by~~  
17 ~~delaying treatment to obtain the consent of another individual.~~

18 ~~(c) A minor has the same capacity as an adult to consent to:~~

19 ~~(1) Treatment for or advice about drug abuse;~~

20 ~~(2) Treatment for or advice about alcoholism;~~

21 ~~(3) Treatment for or advice about venereal disease;~~

22 ~~(4) Treatment for or advice about pregnancy;~~

23 ~~(5) Treatment for or advice about contraception other than~~  
24 ~~sterilization;~~

25 ~~(6) Physical examination and treatment of injuries from an alleged~~  
26 ~~rape or sexual offense;~~

27 ~~(7) Physical examination to obtain evidence of an alleged rape or~~  
28 ~~sexual offense; and~~

1           ~~(8) Initial medical screening and physical examination on and after~~  
2 ~~admission of the minor into a detention center.~~

3           ~~(e-1) The capacity of a minor to consent to treatment for drug abuse or~~  
4 ~~alcoholism under subsection (e)(1) or (2) of this section does not include the capacity to~~  
5 ~~refuse treatment for drug abuse or alcoholism in an inpatient alcohol or drug abuse~~  
6 ~~treatment program certified under Title 8 of this article for which a parent or guardian~~  
7 ~~has given consent.~~

8           ~~(d) A minor has the same capacity as an adult to consent to psychological~~  
9 ~~treatment as specified under subsection (e)(1) and (2) of this section if, in the judgment~~  
10 ~~of the attending physician or a psychologist, the life or health of the minor would be~~  
11 ~~affected adversely by delaying treatment to obtain the consent of another individual.~~

12           (e) A ~~physician, psychologist, REGISTERED NURSE, PHYSICIAN~~  
13 ~~ASSISTANT, or an individual under the direction of a physician [or], psychologist,~~  
14 ~~REGISTERED NURSE, OR PHYSICIAN ASSISTANT~~ LICENSED HEALTH CARE  
15 PRACTITIONER who treats a minor is not liable for civil damages or subject to any  
16 criminal or disciplinary penalty solely because the minor did not have capacity to  
17 consent under this section.

18           (f) Without the consent of or over the express objection of a minor, ~~the~~  
19 ~~attending physician, psychologist, REGISTERED NURSE, PHYSICIAN ASSISTANT, or,~~  
20 ~~on advice or direction of the attending physician [or], psychologist, REGISTERED~~  
21 ~~NURSE, OR PHYSICIAN ASSISTANT, a member of the medical staff of a hospital or~~  
22 ~~public clinic~~ A LICENSED HEALTH CARE PRACTITIONER may, but need not, give a  
23 parent, guardian, or custodian of the minor or the spouse of the parent information  
24 about treatment needed by the minor or provided to the minor under this section,  
25 except information about an abortion.

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.